

## REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action mailed November 17, 2008 (hereinafter "Office Action). In response, Applicant has amended independent Claim 1 by incorporating recitations from dependent Claim 6 to clarify that the layered menu structure comprises at least one minimenu with each minimenu being configured to display at least part of a keypad as soft keys. The soft keys have a plurality of functions associated therewith. The soft keys are displayed in response to operation of function key means and the soft key functions are selectable via a joystick. Applicant respectfully submits that the cited reference fails to disclose or suggest, at least, the recitations of independent Claim 1 as amended. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### Independent Claim 1 is Patentable

Independent Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Publication No. 2003/0122784 to Shkolnikov (hereinafter "Shkolnikov"). (Office Action, page 2). Independent Claim 1 is directed to a device and recites, in part:

...

a layered menu structure comprising a plurality of minimenus;  
a main joystick for moving a cursor in menus of the layered menu structure and making selections; and  
function key means;

wherein the control means is configured to command display of one minimenu of the plurality of minimenus, each of the minimenus being configured to display at least part of a keypad as soft keys in response to operation of the function key means, said soft keys having a plurality of functions associated therewith and being selectable by means of the main joystick, such that said minimenus enable emulation of a whole keypad.  
(Emphasis added).

As highlighted above, the soft keys are displayed in response to operation of function key means and the soft key functions are selectable via a joystick. This is illustrated, for example,

in FIGS. 2A – 2C of the Specification where a layered menu structure 9 is shown that includes four soft keys. Each of the minimenus in the layered menu structure 9 includes four soft keys. A first set of soft keys is displayed in response to operation of the button 4A as shown in FIG. 2A; a second set of soft keys is displayed in response to operation of the button 4B as shown in FIG. 2B; and a third set of soft keys is displayed in response to operation of buttons 4A and 4B together as shown in FIG. 2A. A particular soft key may be selected using a joystick as described in the published version of the present application (WO 2005/041014) on page 4, lines 8 – 30.

In sharp contrast to the recitations of independent Claim 1, Shkolnikov discloses a device in which a selection device 36, which can be implemented as a joystick (Shkolnikov, paragraph 44), is used to highlight a box containing various soft keys as shown in FIG. 5 (box 96) and FIG. 7 (box 31). The selection device 36, however, is not used to select one of the soft keys. Instead, Shkolnikov's device is equipped with buttons 32 as shown in FIGS. 5 and 7 that are used to select a particular soft key. In summary, the recitations of independent Claim 1 describe the use of a function means, such as one or more buttons, to display soft keys as part of a minimenu and a joystick to select one of the soft keys. Shkolnikov, on the other hand, describes using a joystick to highlight a group of soft keys and buttons to select one of the soft keys in the highlighted group.

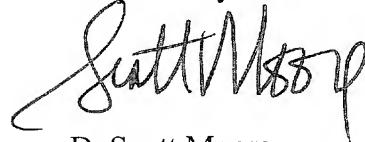
For at least the foregoing reasons, Applicants respectfully submit that independent Claim 1 is patentable over Shkolnikov and that Claims 2 – 5 and 7 - 20 are patentable at least per the patentability of independent Claim 1.

## **CONCLUSION**

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

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Respectfully submitted,

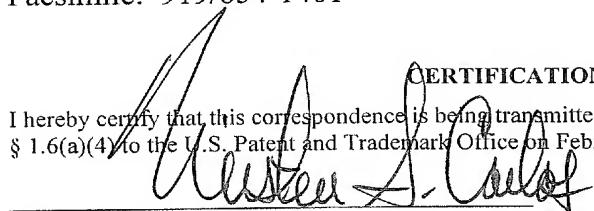


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 11, 2009.



Kirsten S. Carlos